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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,390	07/17/2003	Bob Hsiung	38680.001	4712

21907 7590 08/16/2005

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EXAMINER

AMERSON, LORI BAKER

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Sp

Office Action Summary	Application No. 10/622,390	Applicant(s) HSIUNG, BOB	
	Examiner L. Amerson	Art Unit 3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 is/are allowed.
- 6) ☒ Claim(s) 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Figure 1 L.S.C.</u> |

Detailed Action

1. Prosecution on the merits of this application is reopened on claim 5 considered unpatentable for the reasons indicated below: see rejection.
2. Applicant is advised that the Notice of Allowance mailed is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by L.S.C. L.S.C. discloses a base 32, having a center retaining means 34, left and right retaining means 25, left and right arms 70 rotatably connected to seat 52 (through 60) to the left and right arm and center means (fig. 1 at 24).
5. Claims 1-4 are allowed. The following is an examiner's statement of reasons for allowance: although the prior art of Miller shows a device having a base comprising a pivotal left and right arm, Tang shows a seat, Fan shows an elongated bar having crossbars and a seat, Chiang shows an elongated bar having crossbars, U-shaped

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brackets on the bars and a seat, Perry shows a seat and pivotal left and right arm, the prior art of record fails to teach or suggest, singularly or an obvious combination of a device having a base connector including a flat elongated bar having a first hollow cylinder with a bushing at each end affixed to a proximal end of the flat elongated bar and a second hollow cylinder with a bushing at each end affixed to a distal end of the flat elongated bar, the first hollow cylinder and its bushings rotatably affixed to the U-shaped bracket attached to the center crossbar of said base; a connector plate having a left elongated plate and a right elongated plate, the plates being spaced apart and parallel to each other and having oppositely disposed parallel openings adjacent a proximal end of each plate and oppositely disposed parallel openings adjacent a distal end of each plate, the distal end of the left elongated plate and right elongated plate rotatably connected to the second

hollow cylinder and its bushings of the base connector; a left arm including an elongated bar having a transverse opening adjacent a proximal end and a transverse plate affixed at its opposite distal end with a left grip attached to the transverse plate and extending above and parallel to the elongated bar and extending toward the proximal end of the elongated bar, a pair of spaced apart parallel stop members extending transversely to the elongated bar adjacent its distal end, a hollow cylinder with bushings at either end affixed to a lower surface of the elongated bar, the hollow cylinder and bushings rotatably affixed to the left elongated U-shaped bracket on said base;

a right arm including an elongated bar having a transverse opening adjacent a proximal end and a transverse plate affixed at its opposite distal end with a right

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grip attached to the transverse plate and extending above and parallel to the elongated bar and extending toward the proximal end of the elongated bar, a pair of spaced apart parallel stop members extending transversely to the elongated bar adjacent its distal end, a hollow cylinder with bushings at either end affixed to a lower surface of the elongated bar, the hollow cylinder and bushings rotatably affixed to the right elongated U-shaped bracket on said base;

a seat cushion supported above a seat liner, which cushion and liner are supported on a seat frame having a lower surface to which is affixed a bracket having a pair of spaced apart parallel walls with each wall having an opening adjacent each end, the openings adjacent each respective end being aligned; a left V-frame member having an upper section and a lower section attached to each other at their respective proximal ends, the upper section terminating at a distal end in a hollow cylinder having a pair of oppositely disposed bushings at either end, the hollow cylinder and its bushings inserted between a left end of the parallel walls of the bracket on the seat frame and rotatably attached thereto, the lower section also terminating at a distal end in a hollow cylinder having a pair of oppositely disposed bushings at either end, the hollow cylinder and its bushings rotatably connected to the left elongated bar of the left arm at the opening adjacent its proximal end; a right V-frame member having an upper section and a lower section attached to each other at their respective proximal ends, the upper section terminating at a distal end in a hollow cylinder having a pair of oppositely disposed bushings at either end, the hollow cylinder and its bushings inserted between

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a right end of the parallel walls of the bracket on the seat frame and rotatably attached thereto, the lower section also terminating at a distal end in a hollow cylinder having a pair of oppositely disposed bushings at either end, the hollow cylinder and the bushings rotatably connected to the right elongated bar of the right arm at the opening adjacent its proximal end; and a vertical post affixed at its distal end to the lower surface of said seat frame, the vertical post terminating in a hollow cylinder at its proximal end, the hollow cylinder having bushings at either end, the hollow cylinder and its bushings inserted between the elongated plates of the connector plate at their proximal ends and rotatably attached thereto as recited in the independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to L Amerson whose telephone number is (571) 272-4971. The examiner can normally be reached on Mon.-Fri from 9-6 p.m. Interviews Tue. and Thur..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "LAmerson", with a stylized flourish at the end.

LAmerson

